

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

- v. -

RARE BREED TRIGGERS, LLC; RARE
BREED FIREARMS, LLC; LAWRENCE
DEMONICO; KEVIN MAXWELL,

Defendants.

Civil Action No. 23-cv-369
(Morrison, J.)
(Levy, M.J.)

DECLARATION OF JONATHAN A. LEE

I, Jonathan A. Lee, have personal knowledge of the following facts set forth below, and if called as a witness I would testify as follows:

1. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), and am currently assigned to the Kansas City Field Division, Omaha Field Office, where my duties and responsibilities include participating in the investigations and prosecution of persons who violate federal firearm laws, and related federal criminal laws. I was previously assigned to the Denver Field Division, Salt Lake City Field Office where I had similar duties and responsibilities.

2. On March 26, 2022, ATF executed a federal search warrant at 3rd Gen Machine (3rd Gen) in Logan, Utah, in connection with their manufacture of the FRT-15 machinegun conversion device on behalf of Defendants. The warrant authorized the seizure of, among other things, FRT-15s and component parts.

3. Thereafter, an attorney for 3rd Gen engaged in communications with Michael E. Minichino, Group Supervisor, ATF Salt Lake City Field Office and the assigned Assistant United

States Attorney (AUSA) in the District of Utah regarding the return of seized computers. In the course of those communication, Special Agent Minichino and the AUSA inquired whether any additional FRT-15s were in 3rd Gen's possession, but which had not been seized by ATF pursuant to the federal search warrant.

4. On or about the afternoon of April 13, 2022, or the morning of April 14, 2022, Special Agent Minichino learned from the AUSA that counsel for 3rd Gen acknowledged that 3rd Gen continued to have in its possession an unknown quantity of FRT-15s and wished to surrender them to ATF.

5. On the morning of April 14, 2022, Special Agent Minichino contacted counsel for 3rd Gen regarding the unseized FRT-15s to determine the quantity and their location. At approximately 12:35 p.m. on April 14, 2022, counsel for 3rd Gen informed Special Agent Minichino that the FRT-15s were on a pallet in a parking lot adjacent to the building where ATF executed the federal search warrant. Counsel for 3rd Gen advised the FRT-15s were ready for pickup by ATF.

6. At approximately 2:07 p.m., on April 14, 2022, Special Agent Minichino was informed by counsel for 3rd Gen that an unidentified individual from "Rare Breed" was loading the FRT-15s and attempting to take them from 3rd Gen's property. The individual was subsequently identified as Lawrence DeMonico..

7. I learned further that Mr. DeMonico was loading a van with FRT-15s that 3rd Gen had gathered and put aside for pickup by ATF. I later learned that Mr. DeMonico had also been loading components for such triggers and packaging for such triggers.

8. That same day, April 14, 2022, I contacted 3rd Gen and spoke by telephone with its General Manager, Jon Robinson.

9. Mr. Robinson advised me that, while he was in a meeting with a 3rd Gen employee, Lawrence DeMonico interrupted the meeting and entered Mr. Robinson's office.

10. Mr. Robinson advised me further that Mr. DeMonico said to Mr. Robinson, "I'm here to take my shit." Mr. Robinson responded by telling Mr. DeMonico not to do so, and that the items were set aside so that ATF could pick them up. Mr. DeMonico said, "I don't care."

11. I prepared a Report of Investigation (ROI) that memorialized, among other things, the telephone conversation I had with Mr. Robinson. That ROI is attached at Exhibit 1.

12. On April 18, 2022, I met with Mr. Robinson at 3rd Gen. Joining me at the meeting was Special Agent Jason Bean of the ATF. Also attending the meeting was Evan Jones, President of 3rd Gen.

13. During the April 18 meeting, Mr. Robinson repeated what he had told me during our April 14 telephone call. That is, he stated that Mr. Robinson was in a meeting when Mr. DeMonico came into his office unannounced and sat on a chair. Mr. Robinson said that Mr. DeMonico stated, "I'm here to take my shit." Mr. Robinson responded by telling Mr. DeMonico that he could not have the products because ATF was coming to pick them up. Mr. DeMonico then replied that he did not care if ATF was coming.

14. During the April 18 meeting, Mr. Robinson also said that he told Mr. DeMonico that he was calling ATF. Mr. DeMonico asked that he not do so until after he left with his products.

15. Mr. Robinson noted that he had asked a 3rd Gen employee to record Mr. DeMonico, on video, as he was loading products into the van. Mr. Robinson said that ATF had asked that he make such a recording. Mr. Robinson provided the video to me. It is attached at Exhibit 2.

16. Mr. Robinson noted that the products that 3rd Gen had set aside for ATF had not been seized on March 26, 2022. He stated that the products had been located at a different 3rd Gen location, not the location that was searched on March 26.

17. During the April 18 meeting, Mr. Jones advised me that he was not present at the 3rd Gen location on April 14 when the events described herein occurred.

18. I prepared a Report of Investigation (ROI) that memorialized, among other things, the telephone conversation I had with Mr. Robinson. That ROI is attached at Exhibit 3.

Pursuant to 28 U.S.C. § 1746, I hereby declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed on July 21, 2023.

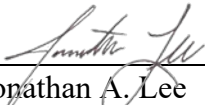
By: 
Jonathan A. Lee
Special Agent

Exhibit 1

U.S. Department of Justice
Bureau of Alcohol, Tobacco, Firearms and Explosives

Report of Investigation

Title of Investigation: 3rd Gen Machine	Investigation Number: 788035-22-0067	Report Number: 7
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SUMMARY OF EVENT:

FIREARMS INTERDICTION: On April 14, 2022, Agents received information that the owner of RBT, Lawrence DEMONICO, took completed FRT-15 devices from 3rd Gen Machine in Logan, Utah utilizing a U-Haul van. [REDACTED]. Agents learned DEMONICO transferred the devices to a rental car and he was ultimately contacted by the Albuquerque ATF Field Office.

Narrative:

- On April 14, 2022, at approximately 1:55 pm, GS Minichino provided information, obtained through counsel of 3rd Gen Machine, to SA Lee. The information was that 3rd Gen Machine had placed boxes of an unknown quantity of assembled RBT FRT-15 devices on a pallet wrapped in plastic in their parking lot for pickup by ATF. At approximately 2:21 pm, GS Minichino provided updated information to SA Lee that a subject associated with RBT had arrived at 3rd Gen Machine and was loading the boxes contained on the pallet, which include the assembled FRT-15 devices, into a U-Haul van.
 - On March 24, 2022, an Open Letter was released to the public stating some FRTs had been determined to be machineguns. ATF previously determined RBT's FRT-15 device was a machinegun.
 - On March 26, 2022, the owner of RBT, Lawrence Alexander DEMONICO (W/M; DOB: 02-18-1975; SSN: 462-91-8373; Address: 6124 Osceola Trail, Austin, Texas 78738; Phone: 757-651-1878), posted a video on Facebook account "Rare Breed Firearms" of himself providing updates to their on-going litigation regarding their FRT-15 device. DEMONICO also referenced a vendor that assists RBT with manufacturing and that this vendor had been served a cease and desist letter from ATF on January 12, 2022. He added that ATF had "raided" this vendor on that morning [March 26, 2022].
- Upon receiving this information, SA Lee contacted 3rd Gen Machine and spoke with the General Manager [REDACTED], who provided the following information. [REDACTED] explained [REDACTED] was in the middle of a meeting with an employee when DEMONICO interrupted the meeting and came into [REDACTED] office. DEMONICO told [REDACTED], "I'm here to take my shit [FRT-15s]." [REDACTED] told him not to take the items and advised that ATF was coming to take them. DEMONICO responded, "I don't care."
- DEMONICO proceeded to load up the boxes that were left on the pallet into a U-Haul Van. A 3rd Gen Machine employee recorded DEMONICO as he loaded the items into the van and left the property. SA Lee was later provided with a still photograph [shown below] and the license plate for the U-Haul van, Arizona license plate

Prepared by: Jonathan A. Lee	Title: Special Agent, Salt Lake City III	Signature: [REDACTED]	Date: [REDACTED]
Authorized by: Michael E. Minichino	Title: Group Supervisor, Salt Lake City Field Office	Signature: [REDACTED]	Date: [REDACTED]
Second level reviewer (optional): David S. Booth	Title: Special Agent in Charge, Denver Field Division	Signature: [REDACTED]	Date: [REDACTED]

5. [REDACTED]

7. DEMONICO's residence is known to be in Austin, Texas. [REDACTED]

- USA 00516

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9. Ultimately, DEMONICO's rental vehicle was observed and contacted near Albuquerque, New Mexico. A search of the vehicle was conducted, which resulted in the recovery of the items taken from 3rd Gen Machine. The contact and search are documented in a separate Report of Investigation ("ROI"). See related ROI for complete details.
10. SA Lee also [REDACTED].
11. On April 20, 2022, SA Olson transferred [REDACTED] was later entered as evidence into the SLCFO evidence vault.

Attachments:

- Arizona DMV printout 2021 Ford Transit
- Tennessee DMV printout 2021 Chevrolet Equinox

Exhibit 2

Earlier
Provided as
Video Marked
with Bates No.
USA__00650

Exhibit 3

U.S. Department of Justice
Bureau of Alcohol, Tobacco, Firearms and Explosives

Report of Investigation

Title of Investigation: 3rd Gen Machine	Investigation Number: 788035-22-0067	Report Number: 8
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SUMMARY OF EVENT:

INTERVIEW: On April 18, 2022, SAs Bean and Lee conducted an in person non-custodial interview of [REDACTED] and [REDACTED] at 3rd Gen Machine located at 1435 North 200 West, Logan, Utah.

Narrative:

1. On April 18, 2022, SAs Bean and Lee conducted an in person non-custodial interview of [REDACTED] (President) and [REDACTED] (General Manager) at 3rd Gen Machine located at 1435 North 200 West, Logan, Utah.
2. The interview was conducted in [REDACTED]'s office at approximately 10:56 am. Prior to the interview commencing, Agents confirmed 3rd Gen was currently being represented by counsel and that this interview was completely voluntary. Both confirmed they conferred with counsel and agreed to meet agents without counsel present.
3. Agents explained they were there to interview them about the incident involving DEMONICO that occurred on April 14, 2022.
4. [REDACTED] stated he was present for the incident. [REDACTED] stated he was not at the location when the incident occurred. [REDACTED] explained he had been in a meeting in his office when DEMONICO came unannounced into his office and sat down in a chair. [REDACTED] was surprised to see DEMONICO and that he had never shown up at their offices before. DEMONICO stated, "I'm here to take my shit." [REDACTED] replied that he could not have the product because ATF was coming to obtain the products. DEMONICO replied he did not care if ATF was coming.
5. [REDACTED] told DEMONICO he was calling ATF and DEMONICO requested he not call ATF until after he left with the products.
6. [REDACTED] explained there was a pallet of RBT FRT-15s and related components sitting outside the shipping and receiving area of their business. DEMONICO left his office and had parked a U-Haul van near shipping and receiving. DEMONICO began ripping into the packaging and identified the pallet containing the RBT FRT-15s. DEMONICO then began loading the boxes into the U-Haul as [REDACTED] contacted his attorney to notify ATF what was happening.
7. [REDACTED] stated at the direction of ATF he had employee [REDACTED] to videotape what was transpiring.

Prepared by: Jonathan A. Lee	Title: Special Agent, Salt Lake City III	Signature: [REDACTED]	Date: 04.25.22
Authorized by: Daniel P. Forster	Title: Acting Group Supervisor, Salt Lake City III	Signature: [REDACTED]	Date: 4/26/22
Second level reviewer (optional): David S. Booth	Title: Special Agent in Charge, Denver Field Division	Signature: [REDACTED]	Date:

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██████████ provided SA Lee with a thumb drive (ATF Item #138) containing the recording. The following still photographs were taken from the video.



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8. [REDACTED] and [REDACTED] stated they have notified their vendors to stop shipment of components of the RBT. They stated they were completely done with business with RBT. They stated the reason ATF did not locate many finished RBT FRT-15s during the search warrant was because they were stored at their 3rd Gen Tactical location. This concluded the interview.
9. SA Lee later entered ATF Item #138 as evidence into the SLCFO evidence vault.